

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RE:  
Application Ser.No.09/458,179  
Filed: 11/19/99  
Inventor: BURKE, Edward A.  
Title: PORTABLE EMBLEM

Art Unit 3628  
Examiner: Mr Brian K.GREEN

Feb 18, 2002

**DECLARATION**

Commissioner of Patents  
Washington, D.C. 20231

Sir:

The undersigned, Edward A.Burke, a Canadian citizen residing at Utopia, Ontario, Canada, hereby Declares and states that:

I am the inventor of the subject matter of the above-identified application for patent;

I was educated at Barrie Central Collegiate, Ontario, Canada;

I have been associated with and worked in the display industry for about 30 years in Canada; with extensive exposure during that time to the industry in the United States, and count myself knowledgeable and experienced in most aspects of the display and advertising industry in both countries;

I have operated my own businesses for the past 25 years, ultimately specializing in the provision of visually prominent semi-permanent out-door displays for franchise chains, world sports events, and display hardware for the flag and banner industry.

Very recently I was personally responsible for the design, provision and erection, by my Company, of the complete, city-wide banner and outdoor visual displays for the 2001 World Athletic Games, held in Edmonton, Alberta.

It is appropriate to describe the objectives of my invention, which are:

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the provision of semi-permanent and permanent advertising displays, such as elevated roadside advertisements and company logos supported by a single post or mast mounted in a light-weight base and using locally procured paving stones, stones, sand or water as the ballasting agent, the emblem being elevated to the extent to enable the motoring public to readily identify from a sufficient distance as they approach, the identity and location of the associated business, restaurant, etc; such displays require to be significantly elevated, and substantially insensitive to, and unaffected by year-round weather conditions, such as to require no daily attention; the elements of these displays are preferably broken down into economical, readily packaged and shipped components, suitable for assembly at site under adverse conditions, for mounting upon existing masts and light standards, or for positioning upon flat roofs, using local ballast such as paving slabs, sand, gravel, or water as the securing medium.

Viewing the cited prior art in light of these foregoing objectives:

Perutz et al (U.S.4,700,498) shows and teaches a collapsible, portable advertising display intended and useable solely for indoor applications, such as trade shows, etc.

This display is a low-level, partition-like display, standing on a pair of skid-like feet, and intended for ready removal, knock-down and storage. The light weight and "ski" type of feet would make this type of display susceptible to skidding displacement under high winds, while the relatively low profile makes it totally unsuited for my purposes, namely for outdoor promotions and identification of business premises by approaching motorists and consumers.

The sign is totally unsuitable to be left unattended under adverse weather conditions.

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Turning to the later-cited LaMotte (U.S.6,012,688) reference, this structure is similar in type to that of Perutz et al, being light weight, collapsible and intended solely for indoor use, being totally unsuited to be left unattended under adverse weather conditions, while its low profile makes it totally unsuited for my purposes.

In the case of Noffsinger (U.S.4,875,302) his display is a folding kerbside display sign of the type carried by realtors in the trunk of their car, utilizing the stretchable elastic material of the sign to control the folding of the feet of the small kerbside sign.

The combining of the cloth material of Noffsinger with the structure of LaMotte fails to remedy the low profile, light-weight, collapsible characteristics of LaMotte.

Such a combination most certainly would not have led me to my present structure, as it would entirely fail to meet my objectives, as stated above.

As regards Strom (U.S.4,885,858), his bottles and cans consist of pressure vessels, filled with gas under pressure, rendering them highly susceptible to wind forces. Such objects are totally unsuited to, and do not appear adaptable to being suspended by way of a central post or mast extending through the polar axis of the vessel.

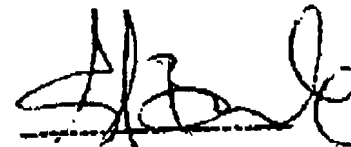
Neither LaMotte or Strom teach or contemplate an unbraced, substantially hollow emblem for outdoor use, of tensioned, porous material, adapted to facilitate the passage of air therethrough, and the associated system of suspension, as taught in my present invention. Nor is there anything in their teachings to lead in the direction of my invention.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like

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so made are punishable by fine or imprisonment, or both, under 18U.S.C.1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Signed at Utopia, Ontario, this 18<sup>th</sup> day of February, 2002.

  
Edward A. Burke

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